

63 3rd Avenue, Burlington MA 01830
Temporary Fax No: 781-273-5723
Permanent Fax No: 503-885-9880

Digimarc ID Systems

Fax

To: Mrs. Hicks, USPTO Office of Petitions **From:** Marianne Downing, Reg. No. 42,870

Fax: 703-308-6916 **Pages:** 13 including cover

Phone: 703-305-9282 **Date:** 10/30/2002

Re: Serial No: 09/747,735 **CC:**

Petition to Withdraw Holding of
Abandonment, in response to Notice of
Abandonment under 37 CFR 1.53(f),
dated 9/26/02.

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

o Comments:

Mrs. Hicks/Office of Petitions,

Enclosed please find a Certificate of Transmission under 37 CFR 1.8, Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a), and Exhibits A through D, all pertaining to:

Serial No:09/747,735, filed December 22, 2000

Title: Identification Card

Inventor: Robert Jones

Examiner: not yet assigned

Art Unit: 3729

Attorney: Marianne Downing, Reg. 42,870, phone 781-744-6404

Assignee: Digimarc Corporation

Please telephone above attorney with any questions.

Marianne M. Downing

Reg # 42,870

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*** RX REPORT ***

RECEPTION OK

TX/RX NO	8674
CONNECTION TEL	
CONNECTION ID	ID MAT LAB/WW ID
START TIME	10/30(WE)17:04
USAGE TIME	04'45"
PGS.	13
RESULT	OK

#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert Jones	Art Unit: 3729
	Confirmation No.:
Application No.: 09/747,735	<u>VIA FACSIMILE</u>
Filed: December 22, 2000	
For: Identification card	
Examiner: Not Yet Assigned	
Date: October 22, 2002	

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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Sir:

Petition is hereby made to withdraw the holding of abandonment in the above-identified application. A notice of abandonment under 37 CFR 1.53 (f) was mailed to Applicant on September 26, 2002, for "failure to timely or properly reply to the Notice of Missing Parts mailed on February 12, 2001.

As explained below, Applicant believes that he properly and timely responded to the Notice of Missing Parts and, therefore, that this application should not be abandoned.

Facts

- (1) Applicant filed the application identified above on December 22, 2000.
- (2) A Notice to File Missing Parts of Non-Provisional Application was sent to the Applicant on February 12, 2001. This Notice listed the Serial Number assigned to the above-identified application as 09/747,735. A copy of this notice is enclosed hereto as Exhibit A.
- (3) On March 5, 2001, Applicant filed a timely response to the Notice of Missing Parts. Applicant's response included a check for \$130.00, a postcard, a response cover sheet, an executed Declaration/Power of Attorney, and a copy of the Notice

to File Missing Parts of Non-Provisional Application. A complete copy of Applicant's response is enclosed hereto as Exhibit B.

- (4) Both the copy of the Notice to File Missing Parts of Non-Provisional Application and the Declaration/Power of attorney included in Applicant's aforementioned response referenced the correct Serial Number of the above-identified application (namely, 09/747,735). However, the postcard and the response cover sheet inadvertently listed a clerical error in one digit of the Serial Number. Specifically, the Serial Number shown on the postcard and on the response cover sheet listed the Serial number incorrectly as 09/447,735, instead of 09/747,435 [emphasis added in bold and underline, to show the inadvertent clerical error].
- (5) Applicant received back the postcard in his response to Notice to File Missing Parts of Non Provisional Application. The postcard had a United States Patent and Trademark Office (USPTO) Office of Initial Patent Examination (OIPE) stamp thereon of March 5, 2001, indicating that the USPTO had received Applicant's Response to the Notice to File Missing Parts of Non Provisional Application within the statutory period. A copy of the stamped postcard and copy of check for missing parts fee is enclosed hereto as Exhibit C.
- (6) Applicant received a Notice of Abandonment Under 37 CFR 1.53 (f) for the above-identified application, dated September 26, 2002. A copy of this Notice is enclosed hereto as Exhibit D.
- (7) On October 24, 2002, Applicant's representative telephoned Mrs. Hicks at the Office of Petitions to discuss the aforementioned facts. Mrs. Hicks confirmed that on March 5, 2001, a fee of \$130.00 (i.e., the missing parts fee paid by Applicant) appeared to have been applied to the [incorrect] serial number of 09/447,735. After discussing the aforementioned facts with Applicant's representative, Mrs. Hicks advised Applicant's representative that a Petition to Withdraw Holding of Abandonment would be appropriate, as Applicant filed a timely and complete response to the original Notice to File Missing Parts of Nonprovisional Application.

Based on the aforementioned facts, Applicant believes that he made a timely and complete response to the original Notice to File Missing Parts of Nonprovisional Application. Accordingly, Applicant respectfully requests that the holding of abandonment be withdrawn and that the original Response to the Notice to File Missing Parts of Application, including the Declaration and the Fee, be applied to Applicant's patent application, Serial No. 09/747,735

An early and favorable action on this application is respectfully requested.


Should there be any questions on this petition, please feel free to telephone the undersigned.

Date: October 30, 2002

Telephone: 781-744-6404
FAX: 503-885-9880

Respectfully submitted,

DIGIMARC CORPORATION
DIGIMARC ID SYSTEMS, L.L.C.

By 
Marianne Downing
Attorney for Applicants
Registration No. 42,870

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

09/747,735

Exhibit (A)



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/747,735	12/22/2000	Robert L. Jones	8441/TAC

CONFIRMATION NO. 4620

FORMALITIES LETTER



00000000005734254

 Polaroid Corporation
 Patent Department
 784 Memorial Drive
 Cambridge, MA 02139

Date Mailed: 02/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

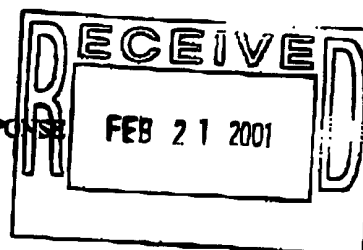
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice **MUST** be returned with the reply.

 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Exhibit (B) pg 1/5
09/747,735

Case No.: 8441/TAC

Serial No.: 09/447,735

Group: 3729

Filing Date: 12/22/2000

Inventor(s): Robert L. Jones

The stamp of the Patent Office hereon may be taken as acknowledging the receipt in connection with the above application, on the date stamped, of Response to Notice to File Missing Parts of Nonprovisional Application, Declaration for Patent Application, copy of Notice to File Missing Parts of Nonprovisional Application, check no. 11243 (\$130.00)

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C-8441/TAC

Exhibit (B)
pg 2/5
09/747,735

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/447,735
Filed: December 22, 2000
By: Robert L. Jones
For: IDENTIFICATION CARD

Art Unit: 3729
Examiner:

Cambridge, Massachusetts 02139
March 1, 2001

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BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)

Sir:


Enclosed is a declaration executed by the applicant in the above-identified application for Letters Patent. Also enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION which was mailed February 12, 2001.

A check (no. 11243) in the amount of one hundred thirty dollars (\$130.00) is enclosed in payment of the surcharge set forth in 37 CFR §1.16(e).

Please charge any additional fee due, or credit any overpayment, to Deposit Account No. 16-2195. A duplicate copy of this paper is enclosed.

Respectfully submitted,

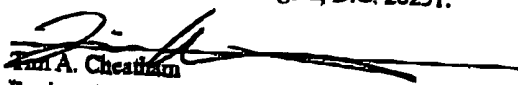
Polaroid Corporation
Patent Department
784 Memorial Drive
Cambridge, MA 02139
Tel: 781-386-6338
Fax: 781-386-6435


Tim A. Cheatham
Registration No. 40,556

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: March 1, 2001


Tim A. Cheatham
Registration No. 40,556

Page 1 of 1
09/747,735
Exhibit (B)
pg 5/5



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/747,735	12/22/2000	Robert L. Jones	8441/TAC

CONFIRMATION NO. 4620

FORMALITIES LETTER



"0000000005754254"

Polaroid Corporation
Patent Department
784 Memorial Drive
Cambridge, MA 02139

Date Mailed: 02/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION


FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


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Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

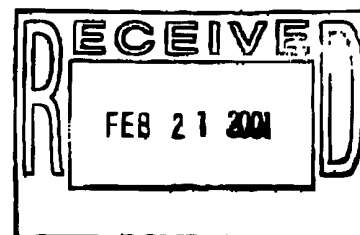


Exhibit (C)
09/747,735

Not good for more
than \$4,000.00

OLAROID CORPORATION
CAMBRIDGE, MASSACHUSETTS 02139

11243

File No. C-8441/TAC
Missing Parts
793-2600-1002

March 1, 2001

5-28
110

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

130.00

ONE HUNDRED THIRTY and 00/100-----

BANKBOSTON
BANKBOSTON, N.A.
BOSTON, MA

PATENT COPY
NOT NEGOTIABLE



Case No.: 8441/TAC

Group: 3729

Inventor(s): Robert L. Jones

Serial No.: 09/447,735

Filing Date: 12/22/2000

The stamp of the Patent Office hereon may be taken as
acknowledging the receipt in connection with the above
application, on the date stamped, of Response to Notice to File
Missing Parts of Nonprovisional Application, Declaration for
Patent Application, copy of Notice to File Missing Parts of
Nonprovisional Application, check no. 11243 (\$130.00)

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 Exhibit (P)
 09/747,735

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/747,735	12/22/2000	Robert L. Jones	8441/TAC

 Commissioner for Patents
 Washington, DC 20591
 www.uspto.gov

 23735
 DIGIMARC CORPORATION
 19801 SW 72ND AVENUE
 SUITE 100
 TUALATIN, OR 97062

CONFIRMATION NO. 4620

 ABANDONMENT/TERMINATION
 LETTER

OC000000008853245

Date Mailed: 09/26/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/12/2001.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice **MUST** be returned with the reply.

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 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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SN 09/747,735

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office

on October 30, 2002
Date

Marianne McLaughlin Downing Reg # 42,870
Signature

MARIANNE McLAUGHLIN DOWNING
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

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Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case.
Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.